REMARKS

Claim 12 is objected to for a minor informality. It is respectfully submitted that the enclosed amendment obviates the alleged informality. Accordingly, it is respectfully requested that this objection be withdrawn.

Claim 2 stands rejected under 35 U.S.C. § 112, second paragraph. It is respectfully submitted that the enclosed amendment obviates the alleged indefiniteness. Accordingly, it is respectfully requested that this rejection be withdrawn.

Claims 1, 8, 10 and 12 are independent.

Each of the independent claims recite an "LSI device." The Examiner relies exclusively on newly cited Thurston et al. '193 ("Thurston") as allegedly disclosing the claimed "LSI device" and the corresponding structural/functional features thereof. Specifically, the Examiner asserts that the firmware update package 108a illustrated in Figure 1 of Thurston reads on the claimed "LSI device." The Examiner's position is not understood, and indeed, it is respectfully submitted that the Examiner's interpretation is in clear error.

The firmware update package 108a is simply a software package containing data used to update the firmware. As would be readily recognized by one of ordinary skill in the art, firmware corresponds ***to programs/instructions*** stored in ***read-only*** memories, thus, analogous to software in hardware form. Indeed, Thurston expressly discloses in paragraph 27:

> [t]he server 108 may contain a firmware update package 108a, where the host 100 may download the firmware update package 108a over the network 110 and use data contained within the firmware update package 108a to update the firmware 102a, 104a on hardware devices 102, 104.

Accordingly, the firmware update package 108a is NOT an LSI device as relied on by the Examiner. This distinction is well-recognized in the art. It is respectfully submitted that the Examiner's attempted reliance on firmware update package 108a as the claimed "LSI device" is completely unreasonable and in direct conflict with well-known established meanings of the respective terms. It follows that Thurston does not disclose any of the features recited in the pending claims associated with the claimed "LSI device," as each of the Examiner's pending rejections rely on the disclosed "structure"/function of the firmware update package 108a of Thurston as allegedly reading on the structure/function of the claimed "LSI device." In this regard, it is respectfully submitted that Thurston is completely unrelated to the present invention.

For at least the aforementioned reasons, it is respectfully submitted that the pending claims are patentable over the cited prior art. As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed, either expressly or inherently (noting that "inherency may not be established by probabilities or possibilities", *Scaltech Inc. v. Retec/Tetra*, 178 F.3d 1378 (Fed. Cir. 1999)), in a single prior art reference, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986), based on the forgoing, it is submitted that the cited prior art does not anticipate claims 1, 8, 10 and 12, nor any claim dependent thereon. The Examiner is directed to MPEP § 2143.03 under the section entitled "All Claim Limitations Must Be Taught or Suggested", which sets forth the applicable standard for establishing obviousness under § 103:

> To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (citing *In re Royka*, 180 USPQ 580 (CCPA 1974)).

In the instant case, the pending rejection does not "establish *prima facie* obviousness of [the] claimed invention" as recited in claims 1, 8, 10 and 12 because the proposed combinations fail the "all the claim limitations" standard required under § 103.

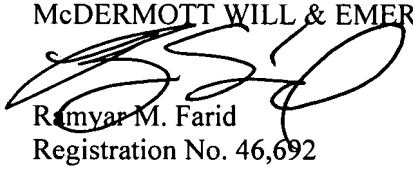
Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claims 1, 8, 10 and 12 are patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination.

Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejections under 35 U.S.C. § 102/103 be withdrawn.

CONCLUSION

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below. To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,
McDERMOTT WILL & EMERY LLP



Ramyar M. Farid
Registration No. 46,692

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 RMF:MaM
Facsimile: 202.756.8087
Date: October 4, 2007

Please recognize our Customer No. 53080 as our correspondence address.